

APPENDIX B: PENDING CLAIMS

1. (Twice Amended) A food product comprising a sugar wafer cone having a filling including a mass of a substantially water-free based confectionery material that has solidified in the sugar wafer from a molten mass prior to consumption, so that the cone acts as a handle to keep a user's hands clean during eating of the product and the product combines the pleasure and fun of eating an ice cream cone with the indulgence of a fat-based confection.

2. cancelled

3. (Three Times Amended) A food product according to claim 1, wherein the food product has a weight of 5 to 40 g and is bite-sized or a 2-3 bite sized piece, and wherein the sugar wafer solidifies from a semi-liquid or semi-solid mass that is sufficiently flowable to conform to the cone.

4. A food product according to claim 1, wherein the filling has a water content of less than 10%.

5. (Amended) A food product according to claim 1, wherein the filling comprises from about 40 to 10% of a vegetable fat in combination with dark chocolate, milk chocolate or white chocolate, or any mixture thereof or products derived from sugar with or without milk derived components, or fat and solids from vegetable or cocoa sources, chocolate substitutes containing direct cocoa butter replacements, or stearines, or coconut oil, or palm oil, or butter or any mixture thereof; or nut pastes, or praline or confectioner's coatings comprising chocolate analogues with cocoa butter replaced by a non-tempering vegetable fat containing from about 60 to 90% chocolate.

6. A food product according to claim 1 wherein the filling is a blend of chocolate and non-lauric vegetable fat.

7. A food product according to claim 1, wherein a fat-based coating is present on the inside surface of the sugar wafer.

8. A food product according to claim 1, wherein edible inclusions are incorporated in the fat-based confectionery material.

9. A food product according to claim 8 wherein any inclusions containing substantial amounts of water are encased within the fat-based confectionery material.

10. (Three Times Amended) A process for preparing a food product comprising a sugar wafer having a substantially water-free fat based confectionery filling which comprises providing the sugar wafer in a desired shape, introducing a substantially water-free fat-based confectionery in a molten mass upon or into the shaped sugar wafer, and allowing the confectionery mass to harden to form the food product.

11. (Amended) A process according to claim 10, wherein the sugar wafer is provided in the shape of the cone and the molten confectionery filling is introduced to at least partially fill the cone, with the cone acting as a handle to keep a user's hands clean during eating of the product and the product combining the pleasure and fun of eating an ice cream cone with the indulgence of a fat-based confection, wherein the molten confectionery filling includes a semi-solid or semi-liquid portion that is flowable to fill and conform to a part of the cone.

12. A process according to claim 11, wherein a fat-based coating is applied to the interior surface of the cone before the confectionery is introduced therein.

13. (Amended) A process according to claim 11, wherein the food product has a weight of 5 to 40 g and is bite-sized or a 2-3 bite sized piece.

14. A process according to claim 11, wherein the filling is dark chocolate, milk chocolate or white chocolate, or any mixture thereof or products derived from sugar with or without milk derived components; or fat and solids from vegetable or cocoa sources; or chocolate substitutes containing direct cocoa butter replacements; or stearines; or coconut oil; or palm oil; or butter; or any mixture thereof; or nut pastes, or praline or confectioner's coatings comprising chocolate analogues with cocoa butter replaced by a non-tempering vegetable fat containing from about 60 to 90% chocolate and from about 40 to 10% of a vegetable fat.

15. A process according to claim 11, wherein edible inclusions are incorporated in the fat-based confectionery material.

16. A process according to claim 15, wherein the edible inclusions are chopped nuts, candy pieces, raisins, or any mixture thereof.

17. (Amended) A process according to claim 11, which further comprises forming a top portion of the filling into a dome to provide the appearance of an ice cream cone and providing a topping of chocolate, a confectionery coating, chopped nuts, candy pieces, raisins or any mixture thereof.

18. A food product according to claim 8, wherein the edible inclusions are chopped nuts, candy pieces, raisins, or any mixture thereof.

19. A food product according to claim 1, which further comprises a topping of chocolate, a confectionery coating, chopped nuts, candy pieces, raisins or any mixture thereof.

20. The food product of claim 5, wherein the sugar wafer cone comprises 20 to 60 weight percent flour and a top portion of the filling is dome shaped to provide the appearance of ice cream.

21. (Twice Amended) The process of claim 10, wherein the introducing comprises disposing molten mass into the shaped sugar wafer.

22. The food product of claim 1, wherein the substantially water-free based confectionery mass is solid under ambient temperature.

23. (Amended) A process for providing a food product which comprises:
forming a sugar wafer in a desired shape;
providing a substantially water-free fat-based confectionery in a molten mass upon or into the shaped sugar wafer so that a portion of the mass flows to conform to the shape of the sugar wafer; and

solidifying the confectionery mass sufficiently to form a substantially water-free fat-based confectionery filling in a second desired shape that corresponds to the desired shape of the sugar wafer and which is sufficiently solid to retain the second desired shape under ambient temperature.